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FEDERAL COMMUNICATIONS COMMISSION NOV 14 1997
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Administration of the)

North American Numbering Plan)

Carrier Identification Codes (CICs))

CC Docket No. 92-237

Petition for Limited Waiver

Pioneer Telephone Cooperative, Inc. ("Pioneer"), by counsel and pursuant to Section 1.3 of the Rules of the Federal Communications Commission ("Commission"),¹ hereby requests a limited waiver of the January 1, 1998 deadline for the provision of four digit Feature Group D Carrier Identification Codes ("CIC") functionality² until June 30, 1998, when its twelve (12) non-conforming end offices are technically capable of providing this function. Pioneer currently is in the last year of a multi-year network upgrade project. As a result of its efforts to provide improved and additional services, the vast majority of Pioneer's end offices will have the four digit CIC functionality as of January 1, 1998. The remaining end offices, representing approximately 14 percent of Pioneer's access lines, cannot be converted by the January 1, 1998 deadline without Pioneer incurring additional and unnecessary costs. Accordingly, Pioneer submits that grant of this limited waiver will serve the public interest. In support of this request, the following is shown.

¹/ 47 C.F.R. § 1.3 (1996).

²/ See In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Petition for Rulemaking of VarTec Telecom, Inc., Second Report and Order, CC Docket No. 92-237, FCC 97-125, released April 11, 1997, pet. recon. pending ("Second Report and Order").

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I. Background

A. General

Pioneer is an incumbent Local Exchange Carrier ("LEC") headquartered in Kingfisher, Oklahoma, serving approximately 50,000 access lines. Pioneer is a cooperative serving its owners/customers throughout a local exchange service area of approximately 10,900 square miles. In 1991, Pioneer began the phased conversion of all of its 77 end offices to equal access. This process was completed May 1, 1996. In January 1995, Pioneer also began a series of network-wide equipment upgrades to bring new services to its customers, including the four digit CIC function, and commenced a series of network reconfigurations to route traffic more efficiently.

Pioneer was aware of the need to migrate to four digit CIC capability and anticipated being in compliance with the originally proposed six year transition required for conversion to four digit CICs, i.e., by the year 2000.³ Prior to the adoption of the Second Report and Order, Pioneer anticipated its network upgrade plan to be completed by August 1, 1999. Upon issuance

³/ Second Report and Order at ¶ 4.

of the Second Report and Order,⁴ however, Pioneer recognized the difficulty in complying with the January 1, 1998, deadline,⁵ and immediately accelerated its network conversion. As a result of these efforts, approximately 90 percent of the upgrades required to achieve four digit CIC function throughout Pioneer's network have been completed.⁶ Currently, 65 of Pioneer's existing exchanges, serving approximately 86 percent of its access lines, are capable of providing the four digit CIC function by the January 1, 1998 deadline. Accordingly, this request applies solely to the 12 non-conforming exchanges noted below.

Further, Pioneer's conversion process was delayed when an area code split was ordered affecting 62 of its 77 exchanges.⁷ The requirements associated with implementing the area code split beginning November 1, 1997, interrupted Pioneer's overall network upgrade project and

^{4/} In the Second Report and Order, the Commission found that the transition from the concurrent use of three digit CICs and four digit CICs "should end as soon as practicable, and that shortening the originally proposed six-year transition to a two-year and nine month transition will serve the overall pro-competitive purposes of the [Telecommunications Act of 1996]. . . ." The Commission concluded that the shorter transition gave "carriers and equipment owners a reasonable period to complete upgrading their equipment and educating customers about the change from three digit Feature Group D CICs to four digit Feature Group D CICs." *Id.* at ¶ 27. On Reconsideration, however, the Commission affirmed the January 1, 1998 date for LEC compliance, but extended the concurrent use of three and four digit CICs until June 30, 1998. See In the Matter of Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking ("Reconsideration Order") at ¶ 20, CC Docket No. 92-237, released October 22, 1997.

^{5/} By Order, issued July 18, 1997, the Common Carrier Bureau denied a request for stay of the Second Report and Order. See In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Order, CC Docket No. 92-237, FCC 97-1524, released July 18, 1997.

^{6/} See attached Declaration of Ronald W. Wetzel, Manager of New Technologies, Pioneer Telephone Cooperative, Inc. The Declaration bears a facsimile signature; the original signed Declaration will be filed with the Commission upon receipt by counsel.

^{7/} See attached Fact Sheet and Pioneer Newsletter, "Pioneer Tele Topics."

required Pioneer to divert staff and other resources to ensure that the area code split was implemented in an efficient manner and to avoid unnecessary service disruptions and customer confusion.

B. Status of 12 Non-Conforming End Offices

For the reasons stated below, Pioneer submits that it would be economically infeasible to alter its network upgrade project to achieve four digit CIC functionality in the 12 non-conforming exchanges by the January 1, 1998 deadline. Pioneer has explored all reasonable alternatives and has determined that additional time is necessary for it to complete its network upgrades and reconfiguration; Pioneer anticipates completion of all upgrades necessary to provide the four digit CIC function in the affected exchanges by June 30, 1998. Moreover, the public interest would be served if Pioneer's current network upgrade plan continues since it ensures compliance with the June 30, 1998 date when the utilization of three digit CICs will end.⁸

The 12 non-conforming offices are Apache, Arnett, Buffalo, Canton, Chester, Drummond, Fort Supply, Gage, Longdale, Quinlan, Shattuck, and Waynoka. Three of these exchanges (Apache, Fort Supply, and Waynoka) are served from stand-alone Stromberg Carlson DCOs. The Fort Supply and Waynoka exchanges were purchased from GTE in 1994 and were already converted to equal access at the time they were purchased. Each of these DCOs will be replaced by a Nortel DMS 10 central office which will have the four digit CIC code functionality. All equipment necessary to effect these changes has been ordered and will be put into service during the second quarter of 1998. Although the customers served by the DCOs

⁸/ Reconsideration Order at ¶ 20.

have had equal access since September, 1992, Pioneer has determined that it would cost approximately \$200,000 to install the software platform ("Generic Release 17.3")⁹ necessary to provide four digit CIC capability now, only to have those offices replaced within the next four to six months. Accordingly, Pioneer submits that the investment in Generic Release 17.3 is uneconomic and wasteful; continuation of Pioneer's existing plan would avoid burdening its customers with these additional costs.

The Arnett, Buffalo, and Gage exchanges are currently electromechanical offices and are being replaced with Nortel digital remotes. As with all other exchanges operated by Pioneer, customers served by the Arnett, Buffalo, and Gage exchanges have had equal access since May 1, 1996. This capability has been provided through the use of Local Exchange Access Services ("LEAS") software at Pioneer's Kingfisher tandem. The Kingfisher tandem is located approximately 130 miles from these exchanges. Once Pioneer's network plan is implemented, these three exchanges will be replaced with DMS 10 remotes and re-homed to Pioneer's Moorland tandem which is physically located closer. At the time of conversion, the Mooreland tandem will be used to provide the four digit CIC function. Pioneer fully anticipates that this portion of its network plan will promote greater network efficiencies. The planned re-homing of these exchanges, however, required a six-month notification to affected interexchanges carriers ("IXCs") pursuant to industry procedures. Upon completion of this notification, these exchanges will be upgraded and capable of the four digit CIC functionality in the first quarter of 1998.

⁹/ To the best of Pioneer's knowledge, Generic Release 17.3 was generally available for its DCOs in January, 1993.

In order to promote network efficiencies, the existing Shattuck exchange also will become part of the new Mooreland host-remote configuration. This aspect of Pioneer's network plan entails the change out of the existing DMS 10 office at Shattuck to a Nortel digital remote. The planned re-homing of Shattuck likewise requires compliance with the standard six-month IXC notification procedure and will be accomplished mid-first quarter 1998. As a result of this reconfiguration, Pioneer can avoid the cost to upgrade this switch with the software platform required to provide four digit CIC code ("Generic 405.21")¹⁰ since the four digit CIC capability would be derived from the Mooreland tandem. Likewise, Pioneer's plan will avoid burdening customers served by the Shattuck exchange with the additional cost associated with the purchase of this software.

The remaining five exchanges, Canton, Chester, Drummond, Longdale, and Quinlan, are all currently Nortel DMS 10 end offices. The Canton and Longdale exchanges will be replaced with new Nortel switching equipment and are scheduled for an in-service date in mid-January 1998. This new switching equipment will be capable of providing the four digit CIC functionality as of their in-service dates. Quinlan will be replaced with a remote office hosted

^{10/} The Shattuck exchange was converted to equal access on May 1, 1996, at which time, the exchange had just been upgraded to Generic 405.10 (at a cost of \$80,000) which did not support the four digit CIC function. To the best of Pioneer's knowledge, Generic Release 405.21 was generally available for the Nortel DMS 10 in February, 1993. Although Generic 405.21 would have provided the four digit CIC function (at an additional cost of \$10,000), it did not provide any additional service features which justified incurring the additional expense at that time. Rather, since the Shattuck exchange was part of Pioneer's overall network upgrade project, Pioneer concluded that it would be more efficient to proceed as planned. Under the long-term plan, the Shattuck exchange is to be replaced with a remote at approximately the same cost while reducing Pioneer's cost of upgrading this remote in the future. Accordingly, Pioneer did not perform the upgrade to Generic 405.21 at the time the Shattuck exchange was converted to equal access.

by the Mooreland tandem office for the four digit functionality. The remaining exchanges (Chester and Drummond) will be replaced with remote offices hosted by the Kingfisher tandem office for the four digit CIC functionality. Establishing this arrangement likewise avoids the expense associated with upgrading each of these offices on a temporary basis with software necessary for four digit CIC functionality.¹¹

II. Good Cause Exists For Grant Of Waiver

Pioneer submits that good cause exists for this waiver.¹² As demonstrated herein, it would be infeasible for Pioneer to comply with the January 1, 1998 deadline for conversion to the four digit CIC capability in these facilities without disrupting its on-going network upgrade

^{11/} Canton, Chester, Drummond, and Longdale were converted to equal access on September 1, 1992. To the best of Pioneer's knowledge, Generic Release 405.21 was generally available for the Nortel DMS 10 in February, 1993. These offices were converted to equal access prior to the availability of Generic 405.21. To invest in a costly software upgrade now would be uneconomic and wasteful in light of the fact that these offices are being converted to remotes as a part of Pioneer's overall network upgrade project. Quinlan was converted to equal access on December 1, 1993. When converted, this office was utilizing Generic 403.31. Although Generic 405.21 would have provided the four digit CIC function (at an additional cost of \$80,000), it did not provide any additional service features which justified incurring the additional expense at that time. To install CLASS services would have cost an additional \$60,000. Since the Quinlan exchange was part of Pioneer's overall network upgrade project, Pioneer concluded that it would be more efficient to proceed as planned. Under the long-term plan, the Quinlan exchange is to be replaced with a remote at approximately the same cost while reducing Pioneer's cost of upgrading this remote in the future. Accordingly, Pioneer did not perform the upgrade to Generic 405.21 at the time the Quinlan exchange was converted to equal access.

^{12/} "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

project and incurring additional and unnecessary expense. Pioneer is "striving, and will continue to strive, to achieve compliance with the four-digit CIC requirement by January 1, 1998."¹³ Despite this effort, however, Pioneer cannot accomplish full compliance with the four digit CIC requirements by the January 1, 1998 date without wasteful investment. Accordingly, Pioneer requests a brief extension of time, until June 30, 1998, to implement four digit CIC capability in the 12 exchanges noted herein. This limited waiver will enable Pioneer to continue and complete its conversion and upgrade of switch facilities to support the four digit CIC function in a rational, efficient manner. As the Commission has recognized, some LECs will not be able to convert their switches by the January 1, 1998 deadline, and that such LECs "must seek relief from the Commission prior to that date."¹⁴ The Commission also recognized that "on balance" the public interest is best served by moving to use of four-digit CICs as soon as possible.¹⁵ Pioneer submits that by striving to complete the final stages of its network upgrade project as quickly as possible, it is acting in a manner consistent with the Commission's policies and directives in this proceeding.¹⁶

Pioneer's planning activities, decisions regarding facilities upgrades, and much of its deployment of network upgrades and reconfiguration predate the Commission's April 11, 1997 decision establishing the January 1, 1998, deadline. Nonetheless, in recognition of the new deadline, Pioneer accelerated its efforts and will effect a 90 percent conversion by the deadline.

¹³ / Reconsideration Order at ¶ 24.

¹⁴ / Id.

¹⁵ / Id. at ¶ 25.

¹⁶ / Id. at ¶ 24.

Grant of this request will allow Pioneer to complete its network reconfiguration and deploy new switch facilities in the most rational and efficient manner which, in turn, will benefit its subscribers. It would be unduly burdensome, if not impossible, for Pioneer to alter substantially the network changes it began more than two years ago. Moreover, it would be inequitable if Pioneer's customers were required to bear the additional burden of uneconomic costs resulting from requiring an abrupt change in Pioneer's plans. Any brief delay in the provision of four digit CIC capability within a small portion of Pioneer's service area, therefore, is clearly of minor impact when compared to the costs associated with Pioneer's changing its plans midstream.

Pioneer anticipates that the only IXC's to be affected by a grant of this limited waiver are those that have been issued new four digit CICs. As is the situation today, these carriers are not able to receive carrier access code calls originated from Pioneer's customers in the 12 exchanges at issue. However, IXC's with three digit CICs will continue to have carrier access code calling on and until the June 30, 1998 date when the use of three digit CICs will end.¹⁷

III. Conclusion

In light of these specific facts and circumstances, Pioneer submits that good cause exists for this limited waiver of the January 1, 1998, deadline until June 30, 1998, for conversion to four digit CIC capability in the affected 12 exchanges, and any attendant customer education requirement. While Pioneer will make every reasonable effort to expedite the date of completion of conversion to four digit CICs, it anticipates that the extension to June 30, 1998, is necessary

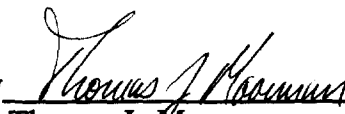
¹⁷ / Reconsideration Order at ¶ 20.

to ensure the deployment of the four digit CIC feature in a reasonably efficient manner.

Respectfully submitted,

Pioneer Telephone Cooperative, Inc.

By



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November 14, 1997

DECLARATION OF RONALD W. WETZEL

I, Ronald W. Wetzel, Manager of New Technologies for Pioneer Telephone Cooperative, Inc., do hereby declare under penalties of perjury that I have read the foregoing "Petition for Limited Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.


Ronald W. Wetzel
Manager, New Technologies

Date: November 13, 1997

Oklahoma Area Code Fact Sheet

On June 26, 1997, the Oklahoma Corporation Commission approved a plan to split the current 405 area code into two regions, creating the 580 code. Bell Communications Research (Bellcore) assigned the code, which is among the new generation of codes that do not have a "1" or "0" as the middle digit.

- Metro Oklahoma City and the surrounding area will keep the 405 code. Other towns located within the current 405 region will switch to 580. More specifically:

⇒ *405 area code boundary: Customers in central Oklahoma through the metro Oklahoma City part of the state, including Stillwater and Perkins.*

⇒ *580 area code boundary: Customers in areas previously served by the 405 code, but who are now located outside of the new 405 boundary. This area includes the Panhandle and the northern and southern portions of the state.*

Dialing Procedures

Oklahomans will be able to get accustomed to the 580 code through a transitional dialing period, which begins Saturday, November 1, 1997 and ends at midnight on Tuesday, March 31, 1998.

- Customers will not have to change their local seven-digit number.
- The new code will not affect local or long-distance rates. Long-distance calls, whether they are in the same code or between two codes, will continue to require a "1" or a "0" plus the area code and seven-digit number, as they did before. If the call was a local call before the change, it will remain a local call.
- When placing local calls within either area code, callers should use the traditional method of dialing their party's seven-digit phone number.
- The area code addition will not affect 9-1-1 emergency services.

Area Codes: Background

Without the arrival of 580, phone numbers in the 405 region would have been exhausted by early 1998.

New area codes are in demand as a result of growth in the use of fax machines, pagers, wireless phones, computer modems, additional telephone lines and general telephone use, especially in regions such as the greater Oklahoma City area, which has experienced a large population growth and business expansion. Competition in the local market also has increased the demand for new phone numbers.

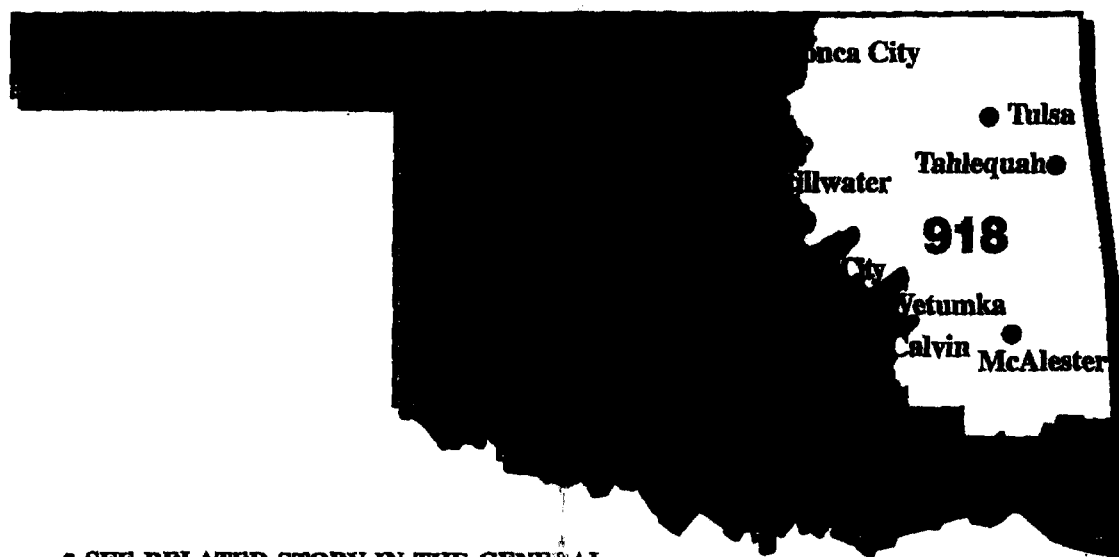
Area codes were first devised by the old Bell Laboratory in 1946 to meet the post-War demand for telephone service. The first 144 area codes -- those with a "1" or "0" as the middle digit -- were established in 1947. Experts predicted that those area codes would last until the year 2000. In 1995, Bellcore created the new generation of area codes -- those with a "2" through "9" as the middle digit -- and started assigning them around the country. More than 20 new codes were introduced last year across the nation.

Pioneer Tele • Topics

Your Link to the Growth, Technology and Advancements of Pioneer Telephone & Subsidiaries

September/October - 1997 Vol. 50 No. 08/09

New 580 Area Code in Oklahoma Begins Saturday, November 1, 1997



• SEE RELATED STORY IN THE GENERAL
MANAGER'S COLUMN AND ON PAGE 7...

Pioneer Telephone Cooperative, Inc.
Partners In ***Progress***

PARTNERS IN PROGRESS

New 580 Area Code In Oklahoma Begins Saturday, November 1, 1997

Beginning Saturday, November 1, 1997, many Pioneer Telephone Cooperative subscribers will be dialing 580 instead of 405 to make some of their calls. The new area code is necessary because of the increased demand for telephone numbers for pagers, cellular phones, fax machines and internet lines.

The new 580 area code will be assigned to customers outside the Oklahoma City metropolitan area who are now served by the 405 area code. The new area code will not impact 9-1-1 services, long-distance charges or local service rates.

The Oklahoma City Metro area and a surrounding buffer zone which includes Pioneer Telephone exchanges in Kingfisher, Okarche, Calumet, Geary, Hennessey, Dover, Loyal-Omega, Crescent, Newcastle, Blanchard and Dibble will remain in the 405 area code. Most eastern Oklahoma, including Tulsa, will keep the 918 area code. The 580 territory includes north, west, south and extreme southeastern Oklahoma. All other exchanges of Pioneer Telephone will be in the new 580 region. They include Aline, Ames, Apache, Arnett, Bradley,

Buffalo, Canton, Carmen, Carter, Chattanooga, Chester, Cleo Springs, Comanche, Covington, Custer City, Dacoma, Davidson, Deer Creek, Douglas, Drummond, Fargo, Fay, Fort Supply, Frederick, Freedom, Gage, Garber, Gould, Grandfield, Harmon, Hastings, Helena, Hollis, Hopeton, Hunter, Lahoma, Lamont, Loco, Longdale, Manitou, May, Marshall, Meno, Mooreland, Mutual, Nash, Oakwood, Okeene, Orlando, Pond Creek, Putnam, Quinlan, Ringwood, Seiling, Selman, Sentinel, Sharon, Shattuck, Temple, Thomas, Tipton, Wakita, Watonga and Waynoka.

The transition to use the new area code will be phased in over a 5-6 month period and a program to provide customer education during the transition will be required by the telephone industry.

According to the timetable approved by the Corporation Commission, preparations began July 1 and use of the new area code will begin November 1. From November until March 31, 1998, during a "permissive dial-

ing period" people dialing long distance will be able to use either 405 or 580 to complete their calls.

An "intercept period" will follow from April 1, 1998, to May 31, 1998. During that period incorrectly placed calls will be intercepted and a recorded message will advise callers of the proper area code for reaching desired numbers and the caller will need to re-dial. The caller assistance program will end on June 1, 1998 and any calls to the wrong area code will result in a wrong number.

All business customers in the state are urged to contact their private branch exchange (PBX) vendor to ensure that their PBX and other telecommunications equipment are programmed to send and receive calls related to the 580 area code, which is among the new generation of area codes that do not have a "1" or "0" as the middle digit. Customers also are being encouraged to reprogram residential and business voice dial, speed dial and auto dial services on telephones and fax machines.

Western Oklahoma State College In Altus Holds Ribbon Cutting Ceremony - Dedication & Open House Ceremony

Top photo—Western Oklahoma State College held a ribbon cutting ceremony Wednesday, August 13, to officially open their new Learning Resources and Telecommunications Center.

Photo at left—Toni Pickle, President-elect for United States Distance Learning Association makes opening remarks at the Dedication and Open House Ceremony at Western Oklahoma State College. Toni is Director of Rural Education for Pioneer Telephone Cooperative in Kingfisher.

CERTIFICATE OF SERVICE

I, Shelley Bryce, of Kraskin & Lesse, LLP, 2120 L Street, NW, Suite 520, Washington, DC, 20037, hereby certify that on this 14th day of November, 1997, a copy of the attached "Petition for Limited Waiver" was hand delivered to the parties listed below:


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